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Sup: Court U.S.
1871 Dec Term

No. 40 -

U. States

vs.

Vigil &c

riginal documents
translation

Filed 19: December 1871

SELLO TERCERO. **UN PESO.**

Años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

Exmo. Sor.

2ª Enero 10. de 1846 — Los individuos que suscriben esta solicitud ani-
Pase esta instancia mados del mas puro patriotismo y de ser utiles
á la Exma. Asamblea [illegible] sociedad [illegible] que viven haciendo uso del de-
[illegible] de reunion [illegible] por las
al bien [illegible] [illegible] en esta Republica
las [illegible]
como [illegible] el honor de pertenecer
pedido y la [illegible] ciudadanos, [illegible]
hacen los [illegible] con el respeto [illegible] presente
[illegible] por conducto
[illegible] contrada [illegible] pedir se
[illegible]
[illegible] Segun
[illegible] 13 [illegible] de las bases [illegible]
lo Gobierno [illegible]
[illegible] la Honorable [illegible] del nuestro
la Asamblea [illegible] por [illegible] del contador
[illegible] esta pedido [illegible] oeste [illegible] del norte: con
[illegible] por el [illegible]
[illegible] y [illegible] cordillera de [illegible]
[illegible], hasta [illegible]
proyectados [illegible] dicho pueblo: conseguida [illegible]
[illegible] puestos en [illegible] de [illegible]

Despachada Solici-
tud.

Armijo

Miguel E. Pino
Oficial 1º

Se comprometen solemnemente los q. firman:
Primero: A construir sus Norias en los parajes
mas centricos del Jornada, con sus corres-
pondientes tanques [illegible] utilidad y auxilio de
los caminantes q. hasta la fecha han sufri-
do perdidas incalculables de ganados caballares, mula-
res y ganado mayor y menor, de lana y pelo; y lo q.
mas es, [illegible] victimas humanas q. ha devorado
la absoluta falta de agua que tendrán segura
los caminantes, á muy poca costa estando en corriente
dichas norias. Segundo: con igual solemnidad ofrecen
hacer los [illegible] utiles al Departam.to;
en los cuales se recibirán los delincuentes destinados
por los Jueces y autoridades del Departamento, á com-
purgar algun delito, conforme á lo q. sobre la materia
dispongan [illegible] de la materia y los de-
cretos de [illegible] honorable Asamblea. Tercero: q. am-
bas [illegible] cosas q. deben pertenecer á la maquinaria mo-
derna, se [illegible] los [illegible] al concluida su
[illegible] y q. no pase de cinco
años, obligandose [illegible] á tener un par de cañones
de [illegible] y unas armas suficientes al numero de
hombres [illegible] repeler á los indios
bárbaros [illegible] de [illegible] como á la presente
se [illegible] por todo el [illegible] y
[illegible] beneficio publico q.
debe resultar de las obras propuestas
en esta solicitud.

A V. E. pedimos y suplicamos se sirva dar el curso correspondiente á esta Solicitud, dispensandole á recomendacion, p. de si arroja la peticion, para alcanzar y conseguir á adquisicion del Terreno á que se refiere [illegible]

Santa Fe Diciembre 28 del 1845.

Otro si decimos: que la [illegible] de Terreno, en la siempre memorable [illegible] del muerto q. se refiere en [illegible] esta Solicitud, [illegible] es [illegible] de tercero de mejor derecho. [illegible]

Por mi Peticion [illegible]

Juan Bautista Vigil

[illegible] a ruego del [illegible]

J. Albino Chavez

Santa Fe En.o 10. 846.

Se les concede p.r esta Asamblea, á los Ciudadanos José Antonio Rivera y Juan Bautista Vigil y Alarid, el Terreno pedido, en el punto conocido p.r la Jornada del muerto, para abrir norias, y ha-

una siembra hasta donde
alcancen sus facultades, quedamos
sin un dro. exclusivo a los pas-
tos; y sin q. en esta concesion
tenga parte alguna el ex-
trangero Miguel Hauk; q.
q. segun el art.º 9º. de la
Ley de 11 de Mzo. de 1842
le prohibe adquirir terrenos
en los departamentos fronte-
rizos, sin previo consentim.to
del Supmo. Gobno. de la
Nacion.

P. José Chavez

Nicolás
Quint.a y Rivas

SELLO TERCERO. **CUATRO REALES.**

Años de mil ochocientos cuarenta y seis y mil ochocientos cuarenta y siete.

cuarenta y seis con los interesados, y los testigos de mi asistencia con quienes actuo á falta de escribano doy fé.

J. Alonso Chacon

Juan Bautista Vigil

De asa.

Jorge Ramirez

Ant.o José Rivera

De asa.

Jesus Maria Tafoya

Este titulo es Registrado en mi oficina en el libro letra A, folios 13, 14, y 15 — lo q certifico firmo y sello para constancia. Santa Fé Febrero 15 de 1849

Donaciano Vigil

Registrador de titulos de tierras del Territ.o de Nuevo Mejico.

7

10.

SELLO TERCERO. CUATRO REALES.

Años de mil ochocientos cuarenta y seis y mil ochocientos cuarenta y siete.

En la Ciudad de Santa Fee, Capital del Departamento del nuevo Mexico. alos seis dias del mes de Febrero de mil ochocientos cuarenta y seis, yo el Ciudadano José Albino Chacon Alcalde 1º del Ayuntamiento de esta Ciudad, Juez de 1ra Instancia del Distrito del Centro y tambien Juez de Hacienda del Departamento Dije: que mediante la Superior Orden que con fecha cuatro del corriente mes, me ha sido dirijida por la Secretaria de Gobierno; y habiendose presentado en este Juzgado los Ciudadanos Juan Bautista Vigil y Alarid, y Antonio José Ribera, con el Decreto de Concecion de terreno en la Jornada del muerto, que la Exma. Asamblea Departamental les dió en diez de Enero ppdo. á dhos individuos, y el S. S. Gobor. confirmó en su Superior disposicion oficial de 4 del corriente mes; en cuya virtud pasadase por mi el presente Juez á dar á dichos señores la posecion Corporal, del terreno, de dicho terreno á los dos espresados agraciados, bajo la condicion de que si D. Miguel Mauce presentare la Compañia de que habla la Superior comunicacion arriba citada, se le declarará por participe á dhos. terreno en igualdad de derechos á sus socios, segun su escrito de peticion. Y por este Auto asi lo proveo mando y firmo con testigos de Asistencia doy fee.

J. Albino Chacon

Juan
Tomas Ramirez

Jesus Maria
Tafoya

Santa Fé Febrero 7, del 846.

Agreguese á estos autos Copia testimoniada dela Supor. Orden del E. S. Gobor. de cuatro del Corriente, segun lo dispone en la misma. Decretalo asi yo el Ciudadano José Albino Chacon Alcalde primero, Juez de 1a Instancia del Distrito [del Centro y de Hacienda del Departamento,] actuando con testigos de Asistencia doy fé.

J. Albino Chacon

De asista.
Jorge Ramirez

De asista.

En Cumplimiento del auto que antecede y dela Superior Orden de cuatro del proximo pasado Febrero que se cita y consta agregada en testimonio en el mismo, he pasado de vista y Vision por el terreno Merced dado á los expresados en el mismo decreto dela Exma. Asamblea, por los conocimientos practicos q. tengo del expresado terreno dela Jornada del Muerto y segun las leyes, Ceremonios, y Costumbres bien recibidas en este Departamento, he procedido á darles la posecion que de hecho y de Derecho les corresponde por no haberse presentado hasta la fecha ningun tercero de mejor Derecho ni haber oposicion de parte al terreno Baldio que se les ha concedido en propiedad álos agraciados, Juan Bautista Vigil y Alarid, y Antonio José Ribera los cuales quedan en poscecion quieta y pasificamente de dicho terreno, del que, en señal de verdadera poscecion, han arrancado yervas, zacate, tirado piedras, dando boces de regosijo en loor del Supre[mo] Gobierno Mexicano; de cuya Benignidad [illegible] propiedad, dela cual reconocerán y defenderán pr linderos fijos los puntos siguientes; por el Norte la mecita del Corradero; por el Sur el paraje Amigos de Doña Ana en Roblezito; por el oriente la Cordillera dela Sierra de Sandia y sus Chorreras, y por el Poniente el Rio del Norte: en cuyos rumbos pondrán los interesados los correspondientes mohoneras para evitar confuciones, con advertencia de q. si el socio dela comp.a José Miguel Hauck presentare la correspondiente carta de naturaleza, será tenido por propietario en igualdad de dro. con los Señores Vigil, y Ribera, pudiendo á mas admitir (admitir) ó, no segun les combenga por socio y compañero en el citado terreno ala persona ó personas que fuere su voluntad y les merezca confianza. Y para la debida constancia y q. este documento les sirva de titulo de poscecion álos agraciados doy el presente que autorizo y firmo, álos quince dias del mes de Marzo de mil ochocientos

Santa Fé Febrero 7, del 846.

Agreguese á estos autos Copia testimoniada dela Supr.a orden del E. S. Gobr. de cuatro del corriente, segun lo dispone en la misma. Decretalo asi yo el Ciudadano José Albino Chacon Alcalde primero, Juez de 1.a Instancia del Distrito [del Centro y de Hacienda del Departamento,] actuando con testigos de Asistencia doy fé.

Albino Chacon

De asia.
Jorge Ramirez

De asia.

En cumplimiento del auto que antecede, y dela Superior Orden de cuatro del proximo pasado Febrero que se cita y consta agregada en testimonio en el mismo, he pasado de hida y vicita por el terreno otorgado á los expresados en el mismo decreto dela Exma. Asamblea, por los conocimientos practicos q. tengo del expresado terreno del Torreado del Distrito y segun las leyes, [illegible], y costumbres bien recibidos en este Departamento, he procedido á darles la posesion que de hecho y de Derecho les corresponde por no haberse presentado hasta la fecha ningun tercero de mejor derecho ni haber oposicion de parte al terreno baldio que se les ha concedido en propiedad álos agraciados, Juan Bautista Vigil y Alarid, y Antonio José Ribera

Santa Fé, Jan. 10th, 1846.
Let this petition be laid before the honorable Assembly, so that if it shall deem the proposals made by the petitioners as conditions of the grant, conducive to the public welfare it may grant the land which is asked for, ordering the petitioners to be placed in possession of the same, according to law; the Government does not recommend this petition to the honorable Assembly of the Department for the reason that the petition carries its own recommendation with it, in its very nature, and its projects, now used for the first time.

Armijo

Miguel E. Pino,
chief clerk.

Most Excellent Sir;

The persons who sign this application, animated by the purest patriotism, and a desire to be useful to the society in which they live, in the exercise of the right of petition, and of that with which they are favored by the colonization laws of this Mexican Republic, to which they have the honor to belong as citizens, one being a naturalized citizen of the same, with due respect to present to the Honorable Departmental Assembly, through Your Excellency, the present petition, the object of which is to request that they may be put in possession, by the said honorable body, in the usual form, according to provision 5th, part second, article 134, of the organic bases of the lands known as the Jornada del Muerto, the boundaries to be; the Mesita del Contadero on the northwest; on the west the Rio del Norte; on the south the old place of Doña Ana; and on the east the Sandía Mountains and their water-courses on that side; this petition having been granted, and they having been placed in possession of said land, the undersigned solemnly pledge themselves: First, to have two wells dug in the most central places of the Jornada, and furnished with the proper appurtenances for the benefit of travelers, who have hitherto suffered incalculable losses of horses, mules, cattle, and sheep, etc.; many human beings have, moreover, fallen victims to the absolute dearth of water, an abundant supply of which, when said wells are finished and in use, will be furnished to travelers, *at a very small cost*. Second, they pledge themselves with equal solemnity to establish two manufactories of goods useful to the Department, in which they will receive delinquents who may be sentenced by the judges and authorities of the Department to atone for some crime, according to the laws relating to the matter and the decrees of said honorable Assembly. Third, both four (sic) things, which are to belong to modern machinery, the petitioners pledge themselves to have finished as soon as possible, certainly within five years; pledging themselves moreover to keep a couple of cannons, and arms sufficient for the number of operatives that they may have, in order to repel attacks of the Indians in case of their being hostile, as at present; in view of the foregoing and of the benefits which will accrue to the public from the works proposed in this petition the petitioners beg Your Excellency to be pleased to give such recommendation to this petition as it evidently merits, to the end that your petitioners may be put in possession of the land referred to in the same. We swear, etc.

Santa Fe, December 28th, 1845.

Another. Your petitioners beg that the grant of land to which they refer in their petition, may be made to them without prejudice to the interests of a third party having a better right.

Same date as above.

By me, master Antonio José Rivera.

Juan Bautista Vigil y Alarid.

José Miguel Hauck.

J. Albino Chacon.

Santa Fé, Jan. 10th, 1846.

This Assembly grants to the citizens José Antonio Rivera and Juan Bautista Vigil y Alarid, the land asked for by them, in the place known as the Jornada del Muerto, to dig wells and to sow seed as far as they are able, they remaining without an exclusive right to the pastures; Michael Hauck, a foreigner, having no part whatever in this grant, because according to article 9th of the law of March 11th, 1842, he is prohibited from acquiring lands in the frontier departments, without previous consent of the Supreme Government of the Nation.

José Chacon

Nicolás Quint.a y Roi[illegible]as.
Quintana,
Srio

In the town of Santa Fé, Capital of the Department of New Mexico, on the sixth day of the month of February, one thousand eight hundred and forty-six, I, the citizen José Albino Chacon, first Alcalde of this town, judge of first instance of the central district, and also judge of hacienda* of the Department, declare that, in accordance with the superior order which, on the fourth day of the present month, was addressed to me by the Secretary of the Government, the citizens Juan Bautista Vigil y Alarid and Antonio José Rivera having presented themselves in this court with the decree granting them lands in the Jornada del Muerto, said decree having been issued by the honorable Departmental Assembly on the tenth day of January last past, and H. E. the Governor having confirmed it by superior official order on the 4th of the present month, I shall proceed to grant corporal possession, *vel quasi*, of said lands to the two grantees aforesaid, on condition that, if Michael Hauck shall present the evidence mentioned in the above-named superior communication, he shall be declared a joint owner of said lands, to have equal rights with his partners, as set forth in their petition. In witness whereof I hereunto set my hand with witnesses.

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* I. E. matters in which the public treasury is interested.

J. Albino Chacon.

Jesus Maria Tafoya,
Jorge Ramirez,
Witnesses.

Santa Fé, February 7th, 1846.

Let there be added to these documents a certified copy of the superior order of His Excellency the Governor, dated Feb. 4th, as ordered by the same. I the citizen José Albino Chacon, first Alcalde and judge of first instance of the central district and judge of hacienda of the Department, acting with witnesses, do so decree. I certify.

J. Albino Chacon.

Antonio José Rivera.

Jorge Ramirez
Jesus Maria Tafoya.) Assisting witnesses.

In accordance with the above judicial order, and the superior order of the 4th day of February last, which is cited and appears above as authenticated testimony, I have passed, going and coming, through the land granted to the aforesaid persons by the same decree of the honorable Assembly; in view of the practical knowledge which I have of the said land, called Jornada del Muerto, and according to the laws, ceremonies and customs received in this Department, I have proceeded to grant them the possession which belongs to them both de facto and de jure, as no third party having a better right has appeared up to date, and as there is no opposition to their being put in possession of the unimproved land which has been granted, as their property, to the grantees Juan Bautista Vigil y Alarid and Antonio José Rivera, who remain quietly and peacefully in possession of said land, from which, as a sign of true possession, they have removed grass and stones, making grateful acknowledgments to the Supreme Government of Mexico, by whose bounty they hold said property, of which they will recognize and defend as boundaries the following points; on the north, the Mesita del Contadero; on the south, the old place of Doña Ana, in Roblecito; on the east, the Sandia mountains and their water-courses on that side, and on the west the Rio del Norte, at which places the parties interested will place proper stakes, so as to prevent confusion, with the proviso that, if José Miguel Salomon Hauck one of the partners, shall present proper naturalization papers, he shall be received as joint owner, having the same rights as Messrs. Vigil and Rivera, it being optional with them to admit, or not, as partners

~~ness~~ in the ownership of said land, such person or persons as they may consider worthy of their confidence. And for due evidence, and that this document may serve them as a title to the property aforesaid, I issue these presents, which I authorize and sign on the fifteenth day of the month of March, one thousand eight hundred and forty-six, with the parties interested and my assisting witnesses, with whom I act in the absence of a notary. I certify.

J. Albino Chacon.

Juan Bautista Vigil y Alarid.

Antonio José Rivera.

Jorge Ramirez
Jesus Maria Tafoya } Assisting witnesses.

This title is recorded in my office in the book marked

C, pages 13, 14 and 15. In testimony whereof I have hereunto set my hand and seal.

D. Mariano Vigil,
Recorder of land-
titles for the territory
of New Mexico.